

ASSESSMENT BY THE COMMONWEALTH OMBUDSMAN FOR TABLING IN PARLIAMENT

Under s 486O of the Migration Act 1958

This is the second s 486O assessment on Mr X who remained in immigration detention for a cumulative period of more than 42 months (three and a half years). The previous assessment 1002389-O was tabled in Parliament on 10 May 2017. This assessment provides an update and should be read in conjunction with the previous assessment.

Name	Mr X
Citizenship	Country A
Date of birth	1987
Ombudsman ID	1002389-O1
Date of department's reports	2 May 2017 and 31 October 2017
Total days in detention	1,276 (at date of department's latest report)

Recent detention history

Since the Ombudsman's previous assessment, Mr X remained at Facility A.	
12 April 2017	Transferred to Facility B.
24 November 2017	Granted a Final Departure Bridging visa and released from immigration detention.

Recent visa applications/case progression

27 January 2017	Bridging visa application found to be invalid.
16 March 2017	The Minister declined to intervene under s 195A of the <i>Migration Act 1958</i> to grant Mr X a bridging visa.
24 July 2017	Found not to meet the guidelines for referral to the Minister under s 197AB to grant Mr X a community placement.
11 October 2017	Mr X's case was referred on a ministerial submission for consideration under s 195A for the grant of a bridging visa.

Health and welfare

<p>International Health and Medical Services (IHMS) advised that Mr X disclosed a history of torture and trauma and attended specialist counselling. He also continued to engage with the mental health team (MHT) for the management of a personality disorder.</p> <p>In February 2017 Mr X reported that he had been sexually assaulted by another detainee and was subsequently reviewed by the MHT. Mr X reported experiencing low mood, poor sleep and ongoing rumination about the sexual assault. A psychiatrist noted that Mr X had a vulnerable personality and he continued to be monitored by the MHT and attended regular counselling.</p> <p>IHMS further advised that Mr X continued to receive treatment for chronic lower back pain with disc protrusion and sciatica, and a heart condition. He experienced episodes of acute back pain which were managed with physiotherapy and pain relief medication.</p>	
January 2017	Mr X required hospitalisation for the management of acute back pain.
February 2017 – September 2017	Incident Reports recorded that Mr X self-harmed on three occasions.
September 2017	Mr X required hospitalisation after he lost consciousness and fell. He received treatment for a fractured nose.

Recent detention incidents

February 2017	An Incident Report recorded that Mr X was allegedly sexually assaulted by another detainee and matter was referred to the police for investigation.
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Case status

<p>Mr X was detained on 3 June 2012 after arriving in Australia by sea and remained in immigration detention, both in a detention facility and the community, for more than three and a half years.</p> <p>The Ombudsman's previous assessment noted that Mr X had been identified for an assessment against the guidelines under s 195A and recommended that this assessment be expedited if it was not already finalised.</p> <p>On 13 June 2017 the Minister advised that he had recently considered Mr X's case under s 195A and declined to intervene.</p> <p>On 24 November 2017 Mr X was granted a Final Departure Bridging visa and released from detention.</p>
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